

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT A. STOWMAN, III, et al.,

Plaintiffs,

v.

DEBRA A. ASTORI,

Defendants.

Civil Action No. 06-226 Erie

MEMORANDUM ORDER

Plaintiffs' civil rights complaint was received by the Clerk of Court on October 2, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on April 7, 2008 [34], recommends that the Plaintiff's remaining claim against Defendant Debra A. Astori be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(d). The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiffs by certified mail at their address of record and on the Defendant. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 9th day of May, 2008;

IT IS HEREBY ORDERED that the Plaintiff's remaining claim against Defendant Debra A. Astori be, and hereby is, DISMISSED as legally frivolous in accordance with 28 U.S.C. § 1915(d).

The report and recommendation of Chief Magistrate Judge Baxter, dated April 7, 2008 [34], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter